IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 319 OF 2003.

The State of Maharashtra. ... Appellant.
Versus.
Shashikant Annappa Gaikwad. ... Respondents.

Shri Rajesh More, A.P.P. for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2006.

P.C.:

1. Heard the learned A.P.P. in support of grant of leave. The Respondent has been acquitted of the offence punishable under sections 324, 505 and 506 of the Indian Penal Code. The allegation of the prosecution is that on 4th October 1998, when the Complainant was alone at her residence, the Accused made some gestures towards her by trying to invite her attention. As the complainant did not give any response, at about 19.30 hours on that day, when the Complainant was cleaning utensils in front of her house, the accused threw some liquid on the person of the complainant which fell upon her right shoulder and neck. The allegation is that the liquid was acid as a result of which the Complainant suffered injuries.

2. The learned trial Judge found that though the panchanama recited that the soil mixed with the acid found on the spot of the incident was seized by the Police, the alleged seized property was not produced

before the Court and it was not sent to the Chemical Analyser. The learned Judge has noted the discrepancy in the quantity of the alleged acid found in the bottle seized from the place of incident. The learned trial Judge found that the evidence of the panch witness was not trustworthy.

3. After considering the aforesaid factors, the learned trial Judge passed the order of acquittal. The view taken by the learned trial Judge is a possible view on the basis of the evidence on record. No ground is made out for grant of leave. Appeal is dismissed.

Judge.